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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,719	12/30/1999	W. LEO HOARTY	1436/139	6764
2101	7590	11/09/2005	EXAMINER	
BROMBERG & SUNSTEIN LLP			HUYNH, SON P	
125 SUMMER STREET			ART UNIT	
BOSTON, MA 02110-1618			PAPER NUMBER	
			2611	

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/475,719

Applicant(s)

HOARTY, W. LEO

Examiner

Son P. Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/10/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/08/2005 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 7-10 have been considered but are moot in view of the new ground(s) of rejection.

Claims 7-10 are rejected in an alternative view of Johnson reference in view of Tindell reference as discussed below.

Applicant argues "any changes that they make to the program being displayed on the television does not similarly change the signal that get received by the television input of the interactive terminal" (paragraph 2, lines 8-10).

In response, this argument is respectfully traversed. Claim 7 recites "... the subscriber interaction with the interactive processes modifies the full motion video content of the signal..." Johnson discloses the subscriber action such as channel changes, mute/unmute the audio of the video, changing from preview version to the full version when the user purchase the video (see figures 2, 8-10; col. 4, lines 32-54; col. 5, lines 1-5, 41-64; col. 10, line 64-col. 12, line 23; col. 13, lines 47-60; col. 14, lines 25-48; col. 15, line 40-col. 16, line 67, col. 19, lines 25-45). Thus, the full motion video content of the signal is modified/changed. For example, the content is modified without audio in response to subscriber interaction of mute function, or changing/modifying the video content to full version in response to subscriber interaction of purchasing to video.

Applicant argues Johnson fails to disclose, suggest or teach the interactivity over a data link in the cable television system with an interactive process (page 4, paragraph 3, lines 8-10).

In response, this argument is respectfully traversed. Claim 7 recites "data transceiver for data communication with one of a plurality of interactive processes over a data link in the cable television system." Thus, the "data link" is met by any link upstream link in two way communication network, that provide communication between transceiver of the receiving system and the interactive processes. Johnson discloses the upstream direction for transmit user interaction to the transmitter side of two-way communication system over cable link (6) (figures 1, 2, col. 4, lines 5-64; col.8, lines 39-52). Thus, Johnson teaches interactively over a data link (cable link 6) in the cable

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television system with an interactive process (devices 3-5, 10-12 of transmitter side – figure 1).

Applicant also argues Johnson discloses “interactively with the interactive terminal itself and only affects the signal after it has been received by the television input to the terminal” (page 5, lines 6-8).

In response, this argument is respectfully traversed. Claim 7 recites “...subscriber interaction with the interactive process modifies the full motion video content of the signal capable of full motion video before it gets received by the television input.”

Johnson discloses the manager modular 11 and system manager 12, of the transmitter side, generates signal and controls the data displayed on the TV screen (col. 4, lines 5-64; col. 8, lines 39-45; col. 16, lines 49-68, col. 17, lines 44-59). Furthermore, the television input is interpreted as the input of channel modulator (figure 2). Thus, the content of the signal capable of full motion video is modified before it gets received by the television input (input of channel modulator 205).

For the reasons given above, rejections on claims 7-10, as amended, are discussed as follow.

The information disclosure statement filed November 8, 2002 has all been considered.

Claims 1-6 have been canceled.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al. (US 5,001,554).

Regarding claim 7, Johnson discloses a home interface controller (two- way interactive terminal – figures 1, 2) for use with a television (television receiver or TV – figure 2) of a subscriber, wherein the home interface controller is in television communication and data communication with the cable television system (figure 1), the home interface controller comprising:

a data transceiver (up/down converter 201 and data transceiver 203 – figure 2) for data communication with one of a plurality of interactive processes over a data link (6) in the cable television system (3-5, 10-12 – figure 1, col. 5, lines 5-35);

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a selection input (microprocessor 206 – figure 2 and col. 5, lines 42-63) for receiving a data signal from a subscriber selection device (e.g. IR remote 208 or keypad 216 – figure 2) that permits subscriber selection and interaction with the interactive process over the data link (6 – figures 1,2);

a television input (input of channel modulator 205- figure 2) for receiving a signal capable of full motion video (video signal) from the interactive process (devices 3-5,10-12 – figure 1) in response to the subscriber selection (col. 5, lines 12-35, lines 55-63; col. 10, line 64-col. 11, line 11);

a signal output (212 or output to TV– figure 2) for providing the signal capable of full motion video to the television (providing video signal to television receiver or TV), wherein the feature of “subscriber interaction with the interactive process modifies the full motion video content of the signal capable of full motion video before it gets received by the television input” is broadly met by subscriber interacts with devices 3-5,10-12 via upstream communication modifies (either by devices 3-5, 10-12 at the server or devices at the receiver) the full motion video content before it gets received by the television input of channel modulator 205, such as providing video content of different channel, or allowing user to view full version of video or descrambling the scrambling video signal in response to user action to purchase the video program instead of viewing the preview portion of the video, or changing the audio content of video by adjusting volume up/down, mute/unmuted, or enable/disable parental control feature to in response to subscriber input in order to view/block particular program, etc.– see figures 2, 8-10; col.

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4, lines 32-54; col. 5, lines 1-5, 41-64; col. 10, line 64-col. 12, line 23; col. 13, lines 47-60; col. 14, lines 25-48; col. 15, line 40-col. 16, line 67, col. 19, lines 25-45).

Regarding claim 8, Johnson teaches a tuner (combination of Up/down converter 201 and demodulator 202- figures 2, 8 and col. 10, lines 55-63) coupled to the television input (input of channel modulator 205 or input of summation circuit 305 – figures 2, 8) for tuning to the signal capable of full motion video wherein the tuner is controlled in response to either the data signal from the selection input or the interactive process (col. 5, lines 42-63; col. 8, lines 39-45; col. 11, lines 5-12, lines 40-64).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,001,554) as applied to claim 7 above, and in view of Tindell et al. (US 5,130,792).

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Regarding claim 9, Johnson teaches a system as discussed in the rejection of claim 7.

Johnson additionally discloses a processor (up/down converter 201 and demodulator 202 – figure 2) coupled to the television input (input of channel modulator) and providing the signal to the signal output (to television receiver of TV – figures 2, 8). However, Johnson does not specifically disclose a decompressing a digitally compressed digital signal.

Tindell teaches a processor (data decompression 82) coupled to television input (e.g., input of buffer 70, input of decoder 74, input of storage interface 76, input of buffer 84, input of digital/analog converter 86, or input of signal reconstruction 88 – figure 5) for decompressing a digital compressed signal capable of full motion video (digital compressed video data) and providing the decompressed signal to a signal output for playing back (output of buffer 84, output of conversion 86, or output of signal reconstruction 88 - figures 5, 7 and col. 5, lines 43-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson to use the teaching as taught by Tindell in order to improve efficiency in data transmission.

Regarding claim 10, Johnson teaches a system as discussed in the rejection of claim 7.

However, Johnson does not specifically disclose provides digital full motion video.

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Tindell teaches data facility provides digital full motion video (digital video programs - figures 1-3 and col. 2, lines 44-68). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson to use the teaching as taught by Tindell in order to improve efficiency in data transmission.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Herz et al. (US 5,351,075) discloses home video club television broadcasting system.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 8:30-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH

October 18, 2005



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